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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,054

12/23/2005

Naoki Hashiguchi

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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

NOTIFICATION DATE

DELIVERY MODE

02/04/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,054	<b>Applicant(s)</b> HASHIGUCHI, NAOKI	
	<b>Examiner</b> Stefan Kruer	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 5 - 6, 9 - 10, 15 - 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 5 - 6, 16 and 18 is/are allowed.
- 6) ☒ Claim(s) 9 and 15 is/are rejected.
- 7) ☒ Claim(s) 10, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)                        |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application              |
| Paper No(s)/Mail Date <u>(1)</u> .   | 6) <input checked="" type="checkbox"/> Other: <u>Translation, JP02282177A.</u> |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 15** is rejected under 35 U.S.C. 102(b) as being anticipated by Senn (2,701,032).

Senn discloses an elevator apparatus (Fig.'s 1 and 4) comprising:

- a car (30) having a wall portion (any side edge), for being raised and lowered within a hoistway (“... elevator shaft... extending from the upper deck 19-20-21 to the lower deck 11-13-14...” (Col. 2, L. 12);
- a car guide rail (22) installed within the hoistway, for guiding the car when the car is raised and lowered; and
- a car guide shoe (24) mounted on the car, for engaging with the car guide rail, wherein the wall portion is provided with a recess (“...each of its four corners...”, Col. 2, L. 43) and has a front face provide with a car entrance (side facing ramp, right side, Fig. 1), a rear face facing the front face, a first side face and a second side face facing the first side face.
- the car guide shoe is at least partially disposed in the recess;
- the car is provided with a suspending portion (26, Fig. 4) to which a main suspending member (38-39-43) for suspending the car is connected; and
- the suspending portion is disposed in the recess common to the car guide shoe.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno (JP-02282177A) in view of Tomaseti (5,975,249).

**Re: Claim 9**, Mizuno discloses an elevator apparatus (Fig. 5 – 6) comprising:

- A car (4) having a his wall portion (not depicted, understood), for being raised and lowered within a hoistway (1),
- A car guide rail (6b) installed within the hoistway, for guiding the car when the car is raised and lowered; and
- The wall portion is provided with a recess (about 6, Fig. 6) and has a front face provided (side facing dimension "W<sub>1</sub>") with a car entrance (depicted, not indicated), a rear face facing the front face, a first side face (left, facing 6) and a second side face (right, facing 6b) facing the first side face;
- the recess of said wall portion includes a first recess (about 6, Fig. 6) provided in the first side face, and a second recess (about 6b) provided in the second side face, the first recess and the second recess projecting into an interior of the car; however,

Mizuno is silent *within his abstract* as to a guide shoe at least partially disposed in his recess.

Attention is directed to Tomaseti who teaches his car guide shoes (15) disposed within his recess(es) (8) for feature of his rucksack (cantilevered) suspension affording compactness and accommodating loads within a sheet metal framework.

It would have been obvious to one of ordinary skill in the art to modify the reference of Masumoto with the teaching to Tomaseti for utility and space savings.

***Allowable Subject Matter***

**Claims 1, 5 – 6, 16 and 18** are allowed.

**Claims 10, 17 and 20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 15 November 2008 have been fully considered but they are not fully persuasive.

With respect to Claim 9, Tomaseti teaches the disposition of guide shoes within his recess (8) for engagement with his guide rail (34), said recess of general form and purpose similar to the form and purpose of the recess of Matsumoto (and Mizuno).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Darwent et al (4,249,640) is cited for reference of a car having first and second chamfered portions located along a diagonal of their cage, as well as guide shoes and a safety device disposed within their chamfered portions.

Art Unit: 3654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571.272.6856856. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Stefan Kruer/

Examiner, Art Unit 3654

26 January 2009

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654